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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Markus Berger

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EXAMINER

OSELE, MARK A

ART UNIT

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1791

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/518,479	Applicant(s) BERGER ET AL.	
	Examiner Mark A. Osele	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-46 is/are pending in the application.
- 4a) Of the above claim(s) 29-32 and 42-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 18-28 and 33-40 is/are rejected.
- 7) ☒ Claim(s) 41 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 18-24, 27, 33, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Fofonoff et al. (U.S. Patent 6,022,445). Fofonoff et al. shows a method for the detachment of a tube blank from a support mandrel comprising: inserting a device, 17, at one end of the support mandrel (column 7, line 64 to column 8, line 4); and introducing a medium, 26, between the blank, 12, and the support mandrel, 13, by the device.

Regarding claims 19 and 20, Fofonoff et al. shows seal 36 which is opposite the device and acts to both seal the blank off from the support mandrel and provide a closure element on the blank to ensure complete detachment of the blank from the support mandrel. Regarding claim 20, seal, 34, is another closure element on the blank to ensure complete detachment.

Regarding claim 21, the blank is detached by expanding the blank away from the surface of the support mandrel (column 5, lines 61-63).

Regarding claim 22, the medium is a liquid (column 5, lines 33-38).

Regarding claim 23, the mandrel is moved out from the blank after detachment (column 6, lines 52-55).

Regarding claim 24, before introducing the medium, the blank is inserted into a confining sleeve, 38.

Regarding claim 27, the medium penetrates only between the blank and the support mandrel.

Regarding claim 33, Fofonoff et al. further shows a feeding element provided at the device for introducing the medium (column 7, lines 31-35, 55-57).

Regarding claim 40, Fofonoff et al. further shows a closure device, 36, at an end of the blank remote from the device.

3. Claims 18 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (U.S. Patent 2,663,902). Anderson shows a method for the detachment of a tube blank from a support mandrel comprising: inserting a device, 64, at one end of the support mandrel; and introducing a medium between the blank, A, and the support mandrel, 22, by the device (See Figs. 6-8; column 3, lines 35-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fofonoff et al. (U.S. Patent 6,022,445) in view of Wilson et al. (U.S. Patent

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1,809,260). As shown in paragraph 2 above, Fofonoff et al. shows the claimed limitations except for clamping the blank and generating vacuum.

Wilson et al. shows the method of removing a tube blank from a support mandrel by clamping the blank, 11, between the mandrel, 12, and the sleeve, 16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to fasten the device and sleeve of Fofonoff et al. as shown by Wilson et al. to ensure that the sleeve does not move out of position.

Regarding claim 26, Wilson et al. further shows vacuum pulled through the sleeve to detach the tube blank from the mandrel (page 2, lines 86-97). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the vacuum of Wilson et al. into the method of Fofonoff et al. because Wilson et al. shows that vacuum is also capable of detaching a tube blank from a mandrel and combining the two detachment methods would work together to accomplish the goal of detachment.

Regarding claim 28, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a non-stick surface on an interior surface of the sleeve because it is conventional to provide a non-stick surface on a solid device against which a flexible material is pressed, such as in a mold, to ensure that the flexible material can be released from the solid device.

6. Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fofonoff et al. (U.S. Patent 6,022,445) in view of Wilson et al. (U.S. Patent 1,809,260)

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and optionally in view of Anderson (U.S. Patent 2,663,902). As shown in paragraph 2 above, Fofonoff et al. shows the claimed limitations except for the sleeve closed at one end by the device.

Wilson et al. shows the method of removing a tube blank from a support mandrel by locating the blank, 11, between the mandrel, 12, and the sleeve, 16. The sleeve of Wilson et al. is closed at least at one end by the apparatus (See Figs. 1 and 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the closed sleeve ends of Wilson et al. into the method of Fofonoff et al. because Wilson et al. shows this is useful in creating the environment which allows for vacuum to be pulled through the sleeve to assist in detaching the tube blank from the mandrel.

The references as combined may or may not be interpreted as showing the device for introducing a medium is arranged between the blank and the support mandrel. Anderson shows a device, 65, for introducing a medium between the blank and the support mandrel is arranged between the blank and the support mandrel (See Figs. 6-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the device for introducing a medium between the blank and the support mandrel because Anderson shows this placement to aid in detaching the tube blank from the mandrel and ensure that the medium is directed to the most effective location for detaching the blank from the mandrel.

Regarding claim 35, Wilson et al. shows the sleeve to comprise two parts separated along a longitudinal extent and hinged together at element 27. It is well

known that a method for ensuring that two cylindrical parts are brought into cooperative engagement is to provide the hinge along their longitudinal extent.

Regarding claim 36, combining the methods of Fofonoff et al. and Wilson et al. would bring about the fastening of the sleeve to the device.

Regarding claim 37, Wilson et al. shows a closing mechanism, 30, 31, for closing the first or second part of the sleeve when the blank and support mandrel are inserted therein.

Regarding claim 38, Fofonoff et al. and Wilson et al. each show the diameter of the sleeve to be greater than the outer diameter of the blank.

Regarding claim 39, Fofonoff et al. and Wilson et al. each show the sleeve to be cylindrical.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 37 recites the limitation "the first part or second part of the sleeve" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, it was presumed that claim 37 was meant to depend from claim 35.

Allowable Subject Matter

10. Claim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art suggests making the sleeve of variable length via attachment pieces.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark A Osele/
Primary Examiner, Art Unit 1791
April 22, 2008